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LARRY W. PROPPES, CLERK
COLUMBIA, SC

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

COURT REPORTER MANAGEMENT PLAN

3:03 MC 5012

Pursuant to the requirement of the Judicial Conference of the United States that each District Court have a Court Reporter Management Plan, the Court adopts the following provisions regarding court reporters in the district:

Employment of Reporters

- 1.1 Official reporters are employed by and for the benefit of the court en banc and not by or for a particular judge or magistrate judge. Employment of official reporters will not be affected by the death, resignation or retirement of an individual judge.
- 1.2 In the event the overall work volume of the court does not justify retention of the full complement of court reporters, a reduction will be accomplished, if possible, through relocation or attrition, or by giving reasonable notice of termination.
- 1.3 Court reporters shall be appointed in accordance with the provisions of 28 U.S.C. § 753 of the United States Code and the policies and procedures of the Administrative Office of the United States Courts and the Judicial Conference of the United States. Only fully qualified reporters pursuant to 28 U.S.C. § 753 shall be appointed. Pursuant to Judicial Conference policy, all initial appointments shall be on a probationary basis for a period of one year. Court

reporters who do not perform in a competent and satisfactory manner or do not comply with the requirements of this plan shall be subject to dismissal.

Supervision

- 2.1 The Clerk of Court or his designee shall have supervisory and managerial authority over court reporters including fees charged, format adherence and delivery schedules. The Clerk shall hire and fire reporters with the advice and consent of the Court.
- 2.2 The Clerk will designate a Court Reporter Supervisor whose duties and responsibilities shall include, but are not limited to the following:
 - a. Periodic review of transcripts to assure full compliance with format requirements of the Administrative Office of the United States Courts and the Judicial Conference of the United States.
 - b. Review of transcript billings to assure that authorized transcript rates are charged and that billing is in proper form.
 - c. Determine compliance by all court reporters with the provisions of 28 U.S.C. §753 concerning the recording, certifying and filing of the tapes of all criminal arraignments, pleas, and proceedings in connection with the imposition of sentence.
 - d. Review the records of the court reporters to assure the timely filing of all reports required by the Administrative Office of the United States Courts and the Judicial Conference of the United States. Certify that Attendance and Transcripts of United States Court Reporters (AO 40A) and

Statements of Earnings of United States Court Reporters (AO 40B) have been reviewed prior to submission to the Administrative Office.

- e. Act as liaison to the Court of Appeals as to matters pertinent to court reporters and transcript production.
- f. Meet with each court reporter at the time of separation to ensure that (a) all notes and tape recordings have been filed in accordance with Title 28 U.S.C. §753 and (b) the court reporter understands his/her responsibility for preparing any transcripts currently ordered but not yet filed or which might be ordered after separation and to properly execute a certification in this regard. (Appendix A)

Assignment of Court Reporters

- 3.1 The Clerk's designee(s) will assign official reporters among judicial officers on a rotational basis where practicable for the purpose of distributing fairly and equitably the work load of reporters at a location while at the same time minimizing the need to expend government funds for travel.
- 3.2 Transcript production by court reporters is considered outside work for which additional remuneration is received therefore it need not be considered in the assignment of individual reporters.
- 3.3 In accordance with Judicial Conference policy the court may assign official court reporters to a "regular tour of duty" which permits them to earn annual and sick leave pursuant to the Leave Act, 5 U.S.C §6301, et seq. In accordance with policy

established by the Judicial Conference of the United States all reporters at one location must be on the same tour of duty.

Hours of Employment

- 4.1 Court reporters who are on a "regular tour of duty" may choose between an 8:30 a.m. to 5:00 p.m. schedule or a 9:00 a.m. to 5:30 p.m. schedule. The hours of 9:00 a.m. to 5:30 p.m. are considered core court reporting hours. Compensatory time accrues in one hour increments beginning at 5:30 p.m.
- 4.2 Court reporters who have been placed on a regular tour of duty may generate transcripts during their regular tours of duty but may not perform any private reporting or transcribing activities or other private business of any kind during their regular tour of duty as they earn leave in accordance with the Leave Act, 5 U.S.C § 6301 et seq.
- 4.3 Time and attendance for court reporters on a regular tour of duty are certified by the Court Reporter Supervisor for Columbia or Divisional Office Managers where the reporters' offices are maintained.

Reporting Services to United States Magistrate Judges

Proceedings conducted before a United States magistrate judge may be recorded by electronic sound recording or by court reporter. Official court reporters, if not otherwise reporting for a district court judge, may be used for proceedings before a magistrate judge.

Contract/Freelance Court Reporters

- 6.1 Contract/freelance reporters may be used only when all official court reporters are occupied in court reporting proceedings pursuant to the policies of the Judicial Conference of the United States.
- 6.2 Contract/freelance reporters may be used in place of official reporters on authorized leave pursuant to the terms of the Leave Act when no official reporter is available to replace the reporter on such leave.
- 6.3 Contract/freelance court reporters will not be paid by the court when official reporters are relieved of their courtroom duties to work on transcript backlogs. Costs associated with such contract/freelance reporting services shall be paid by the official reporter so relieved.
- 6.4 Travel of contract/freelance reporters within the district shall be limited to those occasions when no official reporter is available to travel to the location requiring reporting services and when such use of a contract/freelance reporter would be less costly to the government overall than using an official reporter in travel status.

Transcripts

- 7.1 Requests for transcripts for which fees are paid must be in writing to the court reporter who reported the proceeding.
- 7.2 Transcripts must be produced in the format required by the Judicial Conference of the United States as outlined in the **Court Reporters' Manual, Guide to Judiciary Policies and Procedures**.

- 7.3 Pursuant to the provisions of 28 U.S.C § 753, court reporters must transcribe and certify all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording and such recording has been certified and is maintained in the office of the Clerk of Court or approved filing area maintained by the court reporter. Reporters shall file a transcript of all such proceedings within 30 days of the close of the proceeding unless it was recorded on electronic sound recording equipment, in which event the electronic recording, accompanied by a certification of the reporter shall be filed as soon as the recording has been used to capacity. Court reporters are allowed to charge parties for transcripts produced of arraignments, changes of plea, or proceedings in connection with the imposition of sentence when an electronic recording of the proceeding has been filed with the court in lieu of a written transcript (Report of the Proceedings of the Judicial Conference of the United States, March 1996).
- 7.4 No court reporter employed by this district may charge fees for transcripts of official proceedings which exceed those recommended by the Judicial Conference of the United States.
- 7.5 The Clerk of Court will prominently post a schedule of the prescribed fees.
- 7.6 Each court reporter shall furnish to the Court Reporter Supervisor a copy of each billing for official transcripts. The term "official transcript" shall be deemed to be any transcript of any proceeding before a judge or magistrate judge of this court, whether conducted in chambers or in open court, and regardless of the reason the

transcript may be produced. Each invoice is to contain all of the information required by the Administrative Office of the United States Courts and a certification that the fees charged and page format used conform to the regulations of the Judicial Conference of the United States. Failure to comply with Judicial Conference regulations on charges and format shall result in a refund. (Appendix B)

7.7 If a transcript is not delivered within 60 days of the date ordered and payment received or assured, or within such other time as may be set by the Circuit Council, the reporter may charge only 90% of the prescribed fee. If a transcript is not delivered within 90 days of the date ordered and payment received, or within such other time as may be set by the Circuit Council, the reporter may charge only 80% of the prescribed fee. The Court Reporter Supervisor shall monitor delivery dates by randomly checking transcripts and ascertaining from customers the time between the order and delivery. (Appendix C)

For transcripts subject to Rule 11(b), Federal Rules of Appellate Procedure fee reduction may be excused by the Clerk of Court of Appeals for good cause shown. In all other cases the Clerk of the District Court is authorized to excuse fee reduction but only for good cause shown.

The District Court or Circuit Council may take any reasonable step to ensure the timely delivery of a transcript, including, but not limited to, requiring the reporter to furnish a courtroom substitute while the offending reporter prepares the overdue transcript. Nothing contained herein should be construed as sanctioning

untimely delivery nor should this provision be considered the only penalty to be imposed by the Court or Circuit Council for untimely delivery.

- 7.8 Production of hourly or daily transcripts as well as expedited transcripts will not be subsidized by the court. If extra court reporters are required to produce hourly or daily transcripts, the cost of such reporters shall be paid by the official court reporter. This provision does not prohibit other official reporters from assisting in producing such transcripts if there are no other proceedings to report and when no transcript backlog will result for the court reporter(s) providing assistance.

Criminal Justice Act Transcripts

- 8.1 All transcripts produced under the terms of the Criminal Justice Act (CJA) shall be billed on form CJA 24. The ordering party may be assisted in the proper preparation of form CJA 24 by the Clerk's Office.
- 8.2 The routine apportionment of accelerated transcript costs among parties in criminal cases is prohibited.
- 8.3 In multi-defendant cases involving CJA defendants, no more than one (1) transcript should be purchased from the reporter on behalf of CJA defendants. The court reporter, one of the appointed counsel or the Clerk of Court should arrange for the duplication, at commercially competitive rates as determined by the Clerk of Court, of enough copies of the transcript for each of the CJA defendants for whom a transcript has been approved. The cost of such duplication will be charged to the CJA appropriation.

Realtime Reporting and Transcripts

- 9.1 Only a Certified Realtime Reporter (CRR) may report a proceeding in which a party to a case has requested realtime service. The CRR may charge and collect fees as approved by the Judicial Conference of the United States for realtime unedited transcripts.
- 9.2 CRRs may not sell a realtime unedited transcript to anyone who is not a party to the case without the prior approval of the presiding judge. Each CRR shall request the ordering party sign a disclaimer acknowledging receipt of the realtime unedited transcript and which states the party is aware that the realtime unedited transcript is not an official record of the court proceedings. (Appendix D)

Substitute Court Reporters

If in the event it is determined that a reporter has overdue transcript(s), said reporter may be required to hire and pay substitute reporter(s) until such time as the overdue transcripts have been prepared. The official reporter shall have the responsibility for the transcript production and retrieval of all notes/recordings of any substitute reporter so hired. A reporter shall not use a substitute reporter without the prior approval of the Court Reporter Supervisor.

Records to Be Maintained by Court Reporters

In order to permit the routine audit and inspection of records, official reporters must maintain accurate, legible, and up-to-date records of their expenses, attendance in court, transcript orders, and invoices. Such records shall be maintained on forms prescribed by the Judicial Conference of the United States.

Leave Policies

- 12.1 Court reporters assigned to a regular tour of duty shall accrue annual and sick leave pursuant to the provisions of the Leave Act of the United States, 5 U.S.C. §6301.
- 12.2 Leave records for official court reporters shall be maintained by the Clerk of Court in the same manner as those of deputy clerks. All requests for leave shall be approved by the official who signs the reporter's bi-weekly leave certification.
- 12.3 Annual and sick leave are chargeable in one-half hour increments. All annual leave requested must be accrued before it may be used. Both annual leave and planned sick leave (i.e. appointments, treatments, etc.) must be requested far enough in advance to permit the scheduling of an alternate reporter. Compensatory time is earned and must be taken in one-hour increments as approved by the Judicial Conference in March 1996.
- 12.4 Other provisions governing use of annual and sick leave are contained in the Personnel Manual of the Office of the Clerk.

Records Disposition

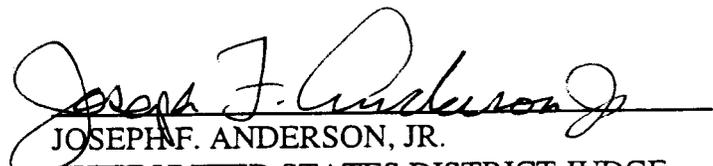
- 13.1 All notes and recordings of all arraignments pleas and sentences must be certified in accordance with the certification forms specified by the Administrative Office of the United States Courts in its Court Reporters Manual. (Appendix E)
- 13.2 All court reporters are required to maintain backup recordings of all proceedings they report. The backup recordings must be turned over to the court at the same

time notes are filed so that the notes which are not universally readable may be read, if necessary, by another reporter with the aid of the backup tape(s).

- 13.3 The marking, filing and storing of all notes and tapes shall be in accordance with the note storage procedures outlined in this Plan. (Appendices F-H)

APPROVED THIS 7th day of November, 2003.

FOR THE COURT:


JOSEPH F. ANDERSON, JR.
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATION OF COURT REPORTER UPON SEPARATION

NAME _____ DATE OF SEPARATION _____

ADDRESS _____

CITY _____ STATE _____ TELEPHONE NO. _____

The following certification is made to the Clerk of Court upon my separation:

1. All of my stenographic notes or tape recordings including backup tape recordings have been filed with the Clerk of Court as well as a copy of my computer generated note file and a copy of my personal dictionary. The software program required is _____.
2. I am responsible for preparing any transcripts currently ordered but not yet filed and any transcripts ordered after my separation.
3. I will immediately inform the Clerk of Court of any change in my address or telephone numbers in order to facilitate the preparation of transcripts.

Court Reporter's Signature

Date

Court Reporter Supervisor's Signature

Date

INFORMATION REQUIRED ON ALL BILLINGS

All of the below listed elements are contained in Form AO 44, Invoice, which is available without cost from the Administrative Office of the U. S. Courts.

1. Name of Client
2. Type of Case: Civil or Criminal
3. Date Ordered
4. Date Delivered
5. In the Matter of
6. Number of Pages and Page rate
7. Number of Copies
8. Type of Delivery Schedule
9. Deposit
10. Discount
11. Refunds
12. Total Due
13. Certification of Reporter of compliance with fee and transcript format prescribed by the Judicial Conference.

COMPUTATION OF TRANSCRIPT DELIVERY DATES

Transcript delivery dates are computed from:

- a. The date upon which satisfactory financial arrangements are made, except for transcripts to be paid for by the United States or free copies ordered by the court. If the customary practice of the court reporter is not to require prepayment, the computation date is the date of acceptance of the transcript order by the court reporter;
- b. The date upon which the appropriate transcript order or CJA 24 form is received by the reporter when the transcript is to be paid for by the United States;
- c. The date upon which the court order is provided to the reporter when a transcript has been ordered by a judicial officer.

REALTIME UNEDITED TRANSCRIPT DISCLAIMER IN THE MATTER OF

-v-

The following transcript(s) of proceedings, or any portion thereof, in the above-entitled matter, taken on any date, is being delivered UNEDITED and UNCERTIFIED by the official court reporter at the request of _____.

The purchaser agrees not to disclose this realtime unedited transcript in any form (written or electronic) to anyone who has no connection to this case. This is an unofficial transcript which should NOT be relied upon for purposes of verbatim citation of testimony.

This transcript has not been checked, proofread or corrected. It is a draft transcript, NOT a certified transcript. As such, it may contain computer-generated mistranslations of stenotype code or electronic transmission errors, resulting in inaccurate or nonsensical word combinations, or untranslated stenotype symbols which cannot be deciphered by non-stenotypists. Corrections will be made in the preparation of the certified transcript, resulting in differences in content, page and line numbers, punctuation, and formatting.

This realtime unedited transcript contains no appearance page, certificate page, index, or certification.

Signature of Purchaser

Date

Signature of Official Reporter

Date

**CERTIFICATE OF OFFICIAL COURT REPORTER
Arraignments, Pleas and Sentence Proceedings**

I, _____, certify that I am a duly appointed official court reporter for the United States District Court for the District of South Carolina and that I was present in the courtroom of said court on _____, 20____, and in the regular course of my profession made an electronic sound recording of the proceedings, including the arraignment, plea and sentence proceedings had in the following cases:

| <u>Date</u> | <u>Docket Number</u> | <u>Name of Defendant</u> | <u>Nature of Proceeding</u> |
|-------------|----------------------|--------------------------|-----------------------------|
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I have played back said recording and certify that it is a true and correct record of the proceedings had, that it is sufficiently intelligible when played on a _____ (Make and model of machine) at normal speed, that it can be transcribed without undue difficulty, and that I have filed the original of said recording in the box in which this certificate is enclosed.

I further certify that I have filed my original notes taken of these proceedings with the Clerk as required by 28 U.S.C. § 753(b) as amended.

Signature

Date: _____

Location: _____

PROCEDURE FOR STORAGE OF COURT REPORTERS' NOTES AND TAPES

All stenotype notes, back up tapes supporting the notes and tapes required in lieu of transcripts as required by 28 U.S.C. § 753(b) as amended for the previous calendar year are to be available to the Clerk of Court no later than April 1 of the following year for internal audit purposes. The records may be maintained under suitable conditions in the court reporter's office or designated filing area.

Procedures for Storage of Stenotype Notes and Back Up Tapes

1. All notes shall be filed chronologically and placed in FRC boxes which can be obtained from the Clerk's Office.
2. Backup tapes and computer aided transcript diskettes which support notes may be filed with the notes or separately if there is sufficient cross referencing for future retrieval purposes. Backup tapes used to fulfill the requirements of 28 U.S.C. 753 concerning arraignments, pleas and sentences must be readily identifiable so that they may be removed and stored separately if the contents of the box are to be disposed of prior to the twenty (20) year disposition schedule for recordings of such criminal proceedings.
3. The outside of the box should be marked with a label indicating the court reporter's full name, calendar year, the period of time for covered by the contents of the box and the date the contents may be destroyed. The box must contain supporting documentation of the contents (Appendices G, H or other documentation which contains certification of the contents of the box and identification of contents):
4. If the notes for a particular month are too voluminous to be stored in one box, the reporter shall use as many boxes as necessary and identify them in sequence, e.g., Box 03-1(A), Box 03-1(B), Box 03-1(C) would all contain notes for January 2003. Conversely, if the notes for a particular month do not fill one box, the notes for several months may be stored in one box as long as it is identified as follows: Box 03-1, 03-2, 03-3.
5. Each packet of notes shall either include the case number, case caption, presiding judge, date of proceedings, type of proceeding and court reporter's full name or reference to a document which contains the information. One certification for the contents of the entire box is acceptable. Backup tapes must be identified so they are easily retrievable for transcript purposes. (Appendix G)

Procedure for Storage of Original Tape Recordings

In accordance with 28 U.S.C § 753(b), court reporters are required to file with the Clerk of Court either a transcript or an electronic sound recording of all arraignments, pleas, sentences and other proceedings required by the court. Tape recordings of official proceedings in this section are to be maintained by the court reporter in an approved filing area and be available for internal audit if required by the Clerk of Court. Each tape, or series of tapes if they pertain to one case, must be accompanied by a Certificate of Official Court Reporter Arraignments, Pleas and Sentence Proceedings. If the tape contains more than one proceeding the certification may cover all proceedings on the tape. The recording must be certified within 30 days of the date of the proceeding. If a tape cannot be certified that it is intelligible and that a transcript may be produced, the court reporter must produce a transcript as required by 28 U.S.C. § 753(b) which is to then be filed with the Court. The disposition schedule for these tapes is 20 years. (Appendix E)

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

FILING CERTIFICATION FORM FOR ORIGINAL NOTES

In accordance with 28 U.S.C § 753(b), I certify that these original notes are a true and correct record of proceedings held in the United States District Court for the District of South Carolina on _____ pertaining to the following:

| <u>Case No</u> | <u>Case Caption</u> | <u>Type of Proceeding</u> | <u>Judicial Officer</u> |
|----------------|---------------------|---------------------------|-------------------------|
|----------------|---------------------|---------------------------|-------------------------|

By _____
Signature of Court Reporter

